


This matter having been opened to the Court by Andrew T. Baxter, United States Attorney for the Northern District of New York, and Ellen E. Sovern, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 12th day of March, 2009;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).



David E. Peebles, Magistrate Judge
United States District Court

The undersigned hereby consent to the form and entry of the within order.

ANDREW T. BAXTER
United States Attorney

By:



Ellen E. Sovern
Special Assistant U.S. Attorney

Iaconis, Baum, Law Firm



By:

Keith R. Wolfe
Attorney for Plaintiff